

## R430-90-3 and R430-50-3: LICENSE REQUIRED

### **Purpose**

This section provides rules and information regarding child care providers who are required by Utah State Law to have a Center Child Care License.

### **General Information**

This section provides information only, so no enforcement information is listed.

Care provided in the child's home is not regulated by the Department of Health.

### **Licensed Family 90-3 and Residential Certificate 50-3:**

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (a) provides care in lieu of care ordinarily provided by a parent;

### **Rationale / Explanation**

People who have preschools and other programs with children in attendance for less than 4 hours per day are not required to be licensed. This includes preschools that have a morning and afternoon session, each less than 4 hours, provided that the same children do not attend both the morning and afternoon sessions.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

### **Licensed Family 90-3 and Residential Certificate 50-3:**

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (b) provides care for five or more unrelated children;

### **Rationale / Explanation**

People who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or center.

### **Licensed Family 90-3 and Residential Certificate 50-3:**

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (c) provides care for four or more hours per day;

### **Rationale / Explanation**

People who care for four or more hours a day are required by statute to be regulated, whether the care is provided in a home or center.

### **Licensed Family 90-3 and Residential Certificate 50-3:**

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (d) has a regularly scheduled, ongoing enrollment; and

### **Rationale / Explanation**

This means that children attend the program on a regular basis, as opposed to occasional drop-in care.

**Licensed Family 90-3 and Residential Certificate 50-3:**

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:  
(e) provides care for direct or indirect compensation.

**Rationale / Explanation**

Direct or indirect compensation means that there is a user charge or fee for the care provided. Indirect compensation refers to non-monetary benefits such as time, goods, or services.

**Licensed Family 90-3 and Residential Certificate 50-3:**

- (2) The Department does not license, nor is a license required for:  
(a) a person who cares for related children only; or

**Rationale / Explanation**

People must care for at least one unrelated child to be regulated.

**Licensed Family 90-3 and Residential Certificate 50-3:**

- (2) The Department does not license, nor is a license required for:  
(b) a person who provides care on a sporadic basis only.

**Rationale / Explanation**

This means the person only watches children occasionally.